



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
July 24, 2012
APPROVED

Present:

BM: Brian Martin **JK:** Jeff Kablik **LG:** Lucy Gertz **LB:** Linda Bown **ES:** Ed Smith
MM: Matt Marro

Absent:

JE: Jerry Earl

Attachments:

1. Agenda
2. Notice of Intent Site Plan for 298 Middlesex Rd. – 6/27/12
3. Maple Ridge Development response Letter for 15 Steinbeck St. – 7/19/12

7:00pm BM opened meeting

7:02pm **298 Middlesex Rd. (M19, P1, L0) – Notice of Intent, DEP# 309-0856** for the proposed razing of an existing dwelling and the construction of a 40' x 50' retail commercial building with associated septic system, utilities, and grading within the 25' wetland buffer zone.

ES: Motion to waive the reading of the abutters list and legal notice.

LB: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Applicant engineer Ken Lania appeared before the Commission to outline the project proposal and orient the Commission to the site location. The proposal is to raze the existing structure and build a 2,000 square foot retail commercial facility for a sign storage shop. Mr. Lania outlined the delineation of the bordering vegetated wetland and noted that there are 10 parking spaces proposed as allowed by the By-Law. He went on to say that there are country drainage bio-retention drainage filters as per DEP, and local stormwater regulations which will allow the site to be developed without significant re-grading. Mr. Lania reviewed the plantings on the detail sheet for the bio-retention swale. LB commented that the drain that MassDOT had placed can easily back up and wanted to know about the maintenance on it. Mr. Lania noted that in the stormwater protection plan that runs with the property, inspection and cleaning of that particular structure is required. LB asked for clarification regarding possible pollutants from any sign production. Mr. Lania noted that there will be no chemical treatments on site, as the signs are pre-painted. ES noted that that particular business only requires a small septic so it will not be overtaxed, and since the company is a distributor, there is not a high volume of traffic anticipated with the site. JK wanted to know MM's thoughts as there are waivers required. MM noted that the lot currently is unkempt and will not get any better if left alone.

The bio-retention areas in MM's mind are a form of mitigation for the waivers. JK reviewed the operation and maintenance plans for the bio-retention swale. JK reviewed the pipe infiltration basin. Mr. Lania noted that it is similar in operation to a septic leach field only it has more stringent requirements for recharge. JK inquired as to the fill material being used on site. Mr. Lania noted that it would be from a quarry complete with manifests as to its origin. ES reviewed the septic system and the bio-cell plantings noting that there will be both seedlings and grown plants in them. There were no abutters present to comment on this project.

ES: Motion to close the public portion of the hearing

LB: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

ES: Motion to issue a Standard Order of Conditions for 298 Middlesex Rd.

JK: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

7:15pm Highland Street, Map 18, Parcel 18 – Certificate of Compliance, DEP# 309-429 for the following addresses and lot numbers:

10(L18), 11(L15), 15(L14), 18(L20), 19(L13), 23(L12), 24(L21), 27(L11), 31(L10),
35(L9), 36(L2), 39(L8), 40(L3), 43(L7), 44(L4), 47(L6)

MM indicated that Tax Collector Gene Spickler made note of an issue with the taxes regarding this project. He will talk with Gene and have more information at the next meeting.

ES: Motion to continue until August 14, 2012

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

7:20pm Diamond Street, Map 15, Parcel 2 – Certificate of Compliance, DEP# 309-451 for the following addresses and lot numbers:

9(11), 10(14), 16(15), 17(10), 22(16), 28(17), 34(18), 35(9), 40(19), 45(8), 46(20), 52(21),
58(22), 64(23), 67(28), 70(24), 73(27), 76(25), 80(26)

MM indicated that the Tax Collector Gene Spickler made note of an issue with the taxes regarding this project. He will talk with Gene and have more information at the next meeting.

ES: Motion to continue until August 14, 2012

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

7:25pm **Emerald Street, Map15, Parcel 2 – Certificate of Compliance, DEP# 309-451** for the following addresses and lot numbers:

10(1), 11(38), 15(36), 19(36), 28(3), 32(4), 38(5), 43(33), 44(6), 50(7), 51(32), 55(31), 59(30)

MM indicated that the Tax Collector Gene Spickler made note of an issue with the taxes regarding this project. He will talk with Gene and have more information at the next meeting.

ES: Motion to continue until August 14, 2012

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Director's Determinations/Director's Reports:

- 1. Director's Determinations:**
- 2. Director's Reports:**

Discussion:

- **Sherburne Nature Center Boardwalk Project Update**

ES and MM reported that there has been a clarification in the bidding laws that allows waivers from State wage requirements if the contractor is a sole proprietor and is doing the work alone. The Town Administrator is checking into this.

- **Steinbeck St.**

Engineer Steven Eriksen appeared before the Commission representing developer Walter Eriksen. He handed out written responses to the Commission's concerns and a photo of a one inch rain storm at the site. Mr. Eriksen noted that the spot grades and the shots of the foundations are within two inches at a minimum. He noted that the retaining wall was built by the homeowner William Marks and not the contractor, and the issue of water in the basement is due to condensation. The hoods on the catch basins will be installed when the site is finished as required for the final approvals.

ES asked Conservation engineer Anthony Cleaves from Whitman & Bingham about any differences in the elevations. Mr. Cleaves noted some differences in one section of the proposed plans where the plans called for a six inch difference; however, there is a four inch difference. He went on to say that the differences in slopes and the differences in grading that are noted might lead to water issues that could be mitigated by drainage swales. ES wanted to know if the deviations were normal industry practice. Mr. Cleaves noted that it does happen and at that point relative issues around the project need to be considered. Mr. Eriksen noted that the pitch was reasonable and is enough to suspend solids. Mr. Cleaves noted that the comparison is not quite valid as Mr. Eriksen was comparing a pipe standard to open swales in the ground. He went on to reiterate that there is limited amounts of work that can be done to the drainage due to site constraints, and he felt that the retaining wall actually may have helped as it created a bigger back yard to allow for flow mitigation due to more room.

Nancy Carringer of 13 Steinbeck St. noted that there was green mold in her house and there is still mold and moisture. However, there is no water puddling in the basement. Ms. Carringer went on to note that even with the flash storm that we had, since we are in a drought year, the ground is very dry. Mr. Eriksen noted that it appears to be a condensation issue and not a groundwater issue. Ms. Carringer noted that if the water was draining away it may help her to dry out her foundation. MM wanted to know if there are enough data that would warrant Commission pursuit. Mr. Cleaves said that there are items that could be done on the land that would help to move the water away faster, however, it is unknown if it would totally alleviate the issue. LB inquired if this was a simple issue and if there is a simple fix that could help avoid the issues. Mr. Cleaves noted that a perforated sub-drain may help. Ed Wallace of 17 Steinbeck St. noted that after every heavy rain there has been a drainage issue at 15 Steinbeck St. for the past six years. LB asked if it has gotten any worse since the area was built. Mr. Wallace said no it hasn't. Mr. Cleaves noted that there could be many other causes for the water issues; some of which could be from roof drains. BM noted that two 5' extensions on the down spouts could help the issue by drawing the water away from the foundation. JK and ES noted that they did not attend the last meeting where this issue was discussed; however they feel they have updated themselves accordingly. MM requested that the issue be continued so he may discuss the retaining wall issue with Mr. Marks.

ES: Motion to continue this discussion until August 14, 2012

JK: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Administrative:

1. Minutes:

- Approval of the July 10, 2012 minutes was held until the next meeting.

2. New Business:

- **Conservation Commission Member Appointment:**

LB: Motion to recommend to the Board of Selectmen that Patrick Mical be appointed to the Conservation Commission.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

ES: Motion to appoint John Nappi as an Associate member of the Conservation Commission.

LB: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

9:00pm

LB: Motion to adjourn

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Respectfully for the Conservation Commission,

Matt Marro
Conservation Director